The U.S.-India 'Global Partnership': The Impact on Nonproliferation

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Chairman Hyde, Congressman Lantos, distinguished members of the committee: it is an honor to appear before you today to discuss the impact on nonproliferation of the U.S.-India global partnership. I am currently a Senior Fellow at the Center for Global Security Research at the Lawrence Livermore National Laboratory, but none of my comments represent the views of the Livermore National Laboratory or the U.S. Government. I will summarize my written testimony but request that the text be submitted for the record.

The United States and India have launched an ambitious new global partnership with strategic, economic, and energy dialogues. One component of the energy dialogue would allow the US to transfer nuclear technology to India as India takes a number of nonproliferation steps, including measures to safeguard its civilian nuclear infrastructure. The civilian nuclear element of the new partnership requires that we keep two balls in the air at the same time. Although we want to expand our bilateral relationship with India, we also want to maintain our strong nonproliferation policy. Neither should come at the expense of the other.

This hearing addresses the nonproliferation side of the agreement. In the eyes of many nonproliferation specialists, some of whom you are hearing from today, this new relationship rewards India for its recalcitrance regarding the Nuclear Nonproliferation Treaty (NPT); it undercuts countries that accepted nuclear constraints; it compromises longstanding U.S. nonproliferation policy and the global nonproliferation regime. Such

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concerns are reasonable. They deserve a thoughtful answer before implementing the new policy.

The history of nonproliferation policy has been one of adaptation and change. Our nonproliferation policy goes back to the 1940s with the Baruch Plan and the Acheson-Lilienthal Plan. These early ideas for nuclear technology control met with resistance from the Soviet Union, so we developed the Atoms for Peace approach. If the spread of nuclear technology could not be stopped, if bilateral measures were unavailable, then international monitoring might be a means of control. This approach did not stop new states from developing weapons, however, so the NPT was negotiated, incorporating some of the earlier approaches. India's nuclear test in 1974, shortly after the NPT entered into force, made clear that additional layers would have to be added to the nonproliferation regime. The Zangger Committee and the Nuclear Suppliers Group were formed to restrict nuclear technology before it was transferred, rather than just monitoring its use after it was received. Congress added a number of elements to the nonproliferation regime by amending the Atomic Energy Act, the Foreign Assistance Act, and the amendments as well. The evasive actions of North Korea made clear the need for the Additional Protocol. More recently, additional measures have been added such as UNSCR 1540, the Proliferation Security Initiative, and President Bush's enrichment and reprocessing proposals. Although we must continue to implement policies that work, our history shows that new contingencies frequently require policy adaptation or change.

It is necessary to look for new ways to achieve our nonproliferation and security objectives: the agreement with India represents such an effort. The new policy does not require that we abandon the NPT, the Nuclear Suppliers' Group (NSG), or any of the effective measures we have adopted over the years to stop proliferation. In marking its 35th anniversary, President Bush called the NPT the "key legal barrier" to nuclear weapons proliferation. The NPT remains a powerful multilateral security device that has enhanced international security. It has not eliminated all insecurities by any means– some states chose not to sign up, some that did have pursued nuclear weapons despite

their commitments to the contrary, and the context for global disarmament remains elusive. So long as international insecurities and security competition persist, therefore, the world must find new ways to address them.

The new agreement with India recognizes that international security is achieved through a layered approach. We have added to our nonproliferation and counterproliferation tool kit over the years. The agreement with India, while acknowledging the reality of India's nuclear weapons program, will supplement global efforts to enhance global security. For years, India has been on the margins of the global nonproliferation regime. Indeed, India was a target of some of the nonproliferation measures cited above. Despite those efforts, Indian leaders concluded that they needed nuclear weapons to enhance India's security. Like other responsible powers, however, India has now committed itself to stopping proliferation by adopting many of the measures that we value. The new agreement formalizes a cooperative relationship that will increase international security, thus addressing the fundamental goal of our nonproliferation policy. We have an opportunity to work with New Delhi on shared nonproliferation objectives as India takes steps to align its nonproliferation posture with prevailing international norms and practices.

The new relationship with India contains important advantages for international nonproliferation efforts. Looked at broadly, we now have an additional ally in the international effort to restrict the flow of nuclear technology. One manifestation of India's new approach is its agreement to adhere to the NSG and MTCR guidelines. As India further develops its advanced technology, ensuring that it take part in international agreements to limit the spread of this technology will enhance international security. The agreement with India contains a second valuable element for the nonproliferation regime in that it recognizes the value of safeguards and the role of the IAEA in ensuring against diversion of sensitive technology. India has accepted this norm by agreeing to separate its civilian and military facilities, agreeing to place safeguards on its civilian reactors, and accepting IAEA monitoring of the civilian facilities. A long-sought item on the international nonproliferation agenda has been to end fissile material production

worldwide and to sign a Fissile Material Control Treaty. India's commitment to work with us toward this longstanding nonproliferation objective represents another key advantage in the new partnership. Taken as a whole, these measures demonstrate India's endorsement of key nonproliferation objectives.

The price to the United States for these changes and the inclusion of India as a member of the nonproliferation community (though not of the NPT) appears to be high. Congress must change or amend the law, which is no small accommodation. If the law represents fundamental American values or principles, we should not seek to change it. The Nuclear Nonproliferation Act of 1978 (NNPA), an amendment to the Atomic Energy Act, requires that a state adopt safeguards on its entire nuclear infrastructure before the US will transfer it any sensitive nuclear technology. It was adopted to achieve nonproliferation and national security objectives. With India having now agreed to place safeguards on its civilian program, we must consider whether to change the law, thereby taking advantage of India's new thinking, or maintain the law and leave all of India's nuclear facilities unsafeguarded. Changing or amending the law would not mean that we or the rest of the nonproliferation community will incautiously transfer sensitive nuclear technology; it also would not mean that we or other states will stop working to further global nonproliferation objectives; it will not be the death knell for the NSG. Changing or amending the law would, however, provide an incentive for India not only to adopt valuable nonproliferation objectives that we value highly, but also become an active member of the nonproliferation community.

Having changed the Atomic Energy Act in 1978 to require full-scope safeguards as a condition of nuclear supply, the US in turn pressured the NSG to adopt similar standards. The NSG finally did so in 1993; full scope safeguards have been the standard for nuclear technology transfer ever since. A number of states that gave up nuclear ambitions are now members of the NSG and can be expected to demand to know why an exception should be made for India. The answer goes back to the goals of the NPT. Nonproliferation is at heart national security policy. Each nation that joined either the NPT or the NSG did so as sovereign states making careful judgments about

how best to ensure their own and international security. Because of those decisions, the NPT continues to be the strongest and broadest multilateral security treaty in existence; the NSG continues to be a powerful tool for controlling the flow of sensitive technology; forgoing nuclear weapons continues to be the wisest policy choice for most states to enhance security. The new agreement with India does not alter those conclusions. Instead, the new agreement expands the list of countries committed to preventing further proliferation, thereby enhancing global security.

To conclude, let me reiterate that U.S. nonproliferation policy has changed over the years to meet new challenges to security. The new partnership with India provides an opportunity to increase global security while adapting our nonproliferation policy to new conditions. This concludes my testimony; I would now be happy to take questions from the committee.